

REMARKS

By this amendment, claims 1-10 are pending, in which no claims are canceled, withdrawn from consideration, currently amended, or newly presented. No new matter is introduced.

The final Office Action mailed September 28, 2007 rejected claims 1, 2, 5-7, and 10 as obvious under 35 U.S.C. § 103 based on *Weiler et al.* (US 5,970,395) in view of *Vassiliou et al.* (US 2004/0106380), and claims 3, 4, 8, and 9 as obvious under 35 U.S.C. § 103 based on *Weiler et al.* (US 5,970,395) and *Vassiliou et al.* (US 2004/0106380) in view of *Agilent*.

In applying *Weiler et al.* against independent claim 1, the Examiner contends that the claimed feature of “processing of input data originating from the measuring-device unit to form a bitstream for transmission via the digital interface includes assigning symbols to states in a state diagram of an I-Q (in phase – quadrature phase) level in the measuring-device unit” is disclosed by *Weiler et al.* in Figs. 4 and 5, and col. 4, lines 53-67, col. 5, lines 10-32, and col. 6, lines 23-33. In particular, the Examiner argues that *Weiler et al.* discloses “processing input data *originating from central monitoring unit (5) (i.e. measuring-device unit)* in the receiver unit (3) wherein scanning data (i.e. processed received data and form a bit stream (digital form) for transmission) and evaluates the received interference signal and send to the monitoring unit (5) through bus transmitting unit (19) via digital data bus line (4)” [sic] (Final Office Action of September 28, 2007-page 4).

Applicants respectfully traverse.

Independent claim 1 recites, *inter alia*, that each high-frequency module is connected to the measuring-device unit via a digital interface for transmitting data to the at least one high-frequency module and that **the processed input data originates from the measuring-device unit**. Applicants note, with special emphasis, that the processing of input data is performed on input data **“originating from the measuring-device unit.”** As an example, without reading the

specification into the claims, Applicants refer to page 11, line 25 through page 12, line 19 of the instant specification, wherein “input data” are data for transmission via the digital interface to the high-frequency modules, and **not** the signal received by the high-frequency modules originating from the device under test (DUT).

Even assuming the Examiner is correct in the assessment that monitoring unit 5 of *Weiler et al.* can be interpreted as the claimed “measuring-device unit,” and that input data on data bus 4, originating from the measuring-device unit is processed in receiving units (modules) 3, independent claim 1 further recites that the process must be one that “forms a bitstream for transmission via the digital interface” and that this process “includes assigning symbols to states in a state diagram of an I-Q (in phase-quadrature phase) level in the measuring device unit, or a digitized intermediate-frequency signal is transmitted via the digital interface.”

The Examiner admits that *Weiler et al.* does not disclose this specific process and turns to *Vassiliou et al.* for this teaching. However, even assuming, *arguendo*, that *Vassiliou et al.* teaches a similar process (since *Vassiliou et al.* discloses using separate I and Q paths for communicating signals to be exchanged with the device under test, between a transceiver and a process), any “input data” in *Vassiliou et al.* would be data originating from the device under test, **not data originating from a measuring-device unit**, as claimed.

Accordingly, except for impermissible hindsight gleaned from Applicant’s own disclosure, there would have been no reason for the artisan of ordinary skill to adapt the processing of an input signal from a device under test, as in *Vassiliou et al.*, and use such processing in an attempt to modify the system of *Weiler et al.* such that input data from a measuring device unit, **not** input data from a device under test, is processed in a manner similar to that of *Vassiliou et al.* Simply put, the processing in *Vassiliou et al.* is performed on data from a device under test, while the processing in *Weiler et al.* is performed on data from a

measuring-device unit. The device under test and the measuring-device unit are dissimilar devices and the person of ordinary skill in the art would not have been led to apply the type of processing in one such device to the other device, especially since they operate on different input data.


Even if one were to improperly “force-fit” the processing of *Vassiliou et al.* in *Weiler et al.*, the instant claimed subject matter would not result because one would end up processing data from the device under test in *Weiler et al.*, and not processing data originating from the measuring-device unit, as required by independent claim 1, and all the claims dependent thereon.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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11/26/07
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